IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2588 OF 2005

Cyclo Transmission Ltd.
and others ..Applicants

Vs.

M/s.Lachhmidhar Kanshiram
& Anr. ..Respondents

...

Mr.Sachin B.Shetye with Mr.Avinash H. Fatanghare Advocate for Applicants
Mr.B.H.Mehta A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 11, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai in C.C.No.780/S/1994 (changed to 1626/ss/2005). In the said case process was issued against the applicants under Section 138 of Negotiable

Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the matter before the trial Court is kept on 18.10.2005. In view of this statement, the trial Court shall not proceed with the proceedings on 18.10.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]